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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the Human Rights Council panel discussion on the safety of journalists

Report of the Office of the United Nations High Commissioner for Human Rights

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I. Introduction

1. On 11 June 2014, the Human Rights Council held, pursuant to its decision 24/116, a panel discussion on the safety of journalists The panel focused on the findings contained in the report submitted by the Office of the United Nations High Commissioner for Human Rights (OHCHR), pursuant to Council resolution 21/12, containing a compilation of good practices in the protection of journalists, the prevention of attacks against journalists and the fight against impunity for such attacks.[1]

2. Also in its decision 24/116, the Human Rights Council requested OHCHR to prepare and submit a summary report on the panel discussion to the Human Rights Council at its twenty-seventh session. The present report was prepared pursuant to that request.

3. The objectives of the panel discussion were (a) to examine the findings of the above-mentioned OHCHR report; (b) to identify challenges and good practices to ensure the safety of journalists, including the sharing of information on initiatives undertaken to protect them and to fight impunity for such attacks; (c) to promote a better understanding of international human rights norms and standards relevant to the safety of journalists; and (d) to contribute to the development of an appropriate response by the Human Rights Council.

4. The panel discussion was chaired by the President of the Human Rights Council, and moderated by the journalist Ghida Fakhry Khane. The United Nations High Commissioner for Human Rights gave an opening address. The panellists were the Deputy Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Getachew Engida; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue; Dunja Mijatović, Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE); Abeer Saady, journalist and vice-President of the Syndicate of Journalists of Egypt; and Frank Smyth, journalist and senior adviser for journalist security to the Committee to Protect Journalists.

II. Opening statement by the High Commissioner

5. The High Commissioner, in her opening remarks, stated that sound, bold and independent journalism was vital in any democratic society. It drove the right to hold and express opinions and the right to seek, impart and receive information and ideas; it ensured transparency and accountability in the conduct of public affairs and other matters of public interest; and was the lifeblood that fuels the full and informed participation of all individuals in political life and decision-making processes. The safety of journalists was quite simply essential to the civil, political, economic, social and cultural rights of all individuals, as well as to the right to development.

6. The High Commissioner noted, however, that more than 1,000 journalists had been killed since 1992 as a direct result of their profession, that 2012 and 2013 had been among the deadliest years for journalists, and that at least 15 journalists had been killed since the start of 2014. She deplored the high levels of impunity, referring to reports that, between 2007 and 2012, fewer than one in 10 killings of journalists had resulted in a conviction. Many more journalists had faced violence, harassment and intimidation, including abduction, arbitrary detention, enforced disappearance, expulsion, illegal surveillance,

[1] A/HRC/24/23.

torture and other cruel, inhuman and degrading treatment or punishment, and sexual violence against women journalists. Journalists had been tried on such spurious grounds as espionage, posing a threat to national security and alleged bias, and had often faced unfair trials and been sentenced to excessive terms of imprisonment.

7. The High Commissioner welcomed the greater international awareness of the frequency with which journalists were attacked because of their work, and the need to ensure greater protection. The Security Council, in its resolution 1738 (2006), the General Assembly, in its resolution 68/163, and the Human Rights Council, in its resolution 21/12, had all condemned attacks against journalists. They had called upon all States to act on their legal obligations to promote a safe and enabling environment for journalists so that they were able to perform their work independently and without undue interference. In 2012, UNESCO, in collaboration with OHCHR and other United Nations agencies, had developed the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, which was now being implemented in five pilot countries: Iraq, Nepal, Pakistan, South Sudan and Tunisia. Regional organizations, including OSCE, the Council of Europe and the Inter-American Commission on Human Rights, had also taken initiatives. The High Commissioner highlighted the fact that OHCHR had prepared and presented a report on good practices in the protection of journalists, including the prevention of attacks and the fight against impunity,[2] and expressed hope that the panel discussion would be a platform to share experiences and ideas about how best to put the key points from the report into practice.

8. The High Commissioner reminded the Council that, above all, there must be unequivocal political commitment to ensure that journalists can carry out their work safely. The international legal framework for the protection of journalists is in place, she said, pointing out that it must now be implemented at the national level. States must create an enabling environment in which the rights of journalists and other members of society could be fully respected, with clear and public agreement by officials that issues of public interest could, and should, be examined and discussed openly in the media. States must also adopt legislative and policy measures for ensuring the safety and protection of journalists and other media workers, with zero tolerance of any form of violence against journalists and full accountability for any such violence.

9. On the question of who could be considered a journalist, the High Commissioner confirmed that, from a human rights perspective, all individuals were entitled to the full protection of their human rights whether the State recognized them as journalists or not; whether they were professional reporters or "citizen journalists"; whether or not they had a degree in journalism; and whether they reported online or offline. In this context, she reminded the Council that the Human Rights Committee had, in its general comment no. 34, defined journalism as "a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere".[3] She also drew the attention to General Assembly resolution 68/163, in which the Assembly acknowledged that journalism was continuously evolving to include inputs from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, thereby contributing to shape public debate. The High Commissioner therefore urged States to approach the issue under discussion from a human rights perspective, and to protect journalists and other media workers in the broadest sense.

[2] A/HRC/24/23.

[3] CCPR/C/GC/34, para. 44.

10. The High Commissioner highlighted the importance of creating an early warning and rapid response mechanism giving journalists and other media actors immediate access to the appropriate authorities and to protective measures when they are threatened. Such a mechanism should be established in consultation with journalists and other media actors and organizations, and comprise representatives of State bodies dealing with law enforcement and human rights issues, together with representatives of civil society, including journalists and media organizations.

11. Lastly, the High Commissioner emphasized that, most importantly, States must combat impunity. Every act of violence committed against a journalist that was not investigated and went unpunished was an open invitation for further violence; ensuring accountability for attacks against journalists was therefore a key element in preventing future attacks. She warned that failure to do so could be interpreted as tolerance of or acquiescence to violence. The investigation and prosecution of all attacks against journalists through an effective and functioning domestic criminal justice system was therefore considered imperative, as was remedy for victims. The High Commissioner referred to good practices, including the creation of special investigative units or independent mechanisms to carry out investigations, with specialized expertise; specific protocols and methods of investigation and prosecution; and training for law enforcement and military personnel, as well as for prosecutors and the judiciary, regarding their obligations under international human rights law and international humanitarian law, with a focus on the safety of journalists. The High Commissioner encouraged States to examine, reinforce and replicate such initiatives.

III. Contributions of panellists

12. In her introductory remarks, the journalist and panel moderator Ghida Fakhry Khane underscored the importance of the topic of discussion. She referred to the crucial role that journalists played in keeping the public informed and in keeping in check the authorities and institutions that purport to work in the public interest, but also to the high levels of risk, intimidation, harassment and violence that journalists endured. She described journalism as a "risky business" in many parts of the world, and recalled that the purpose of the discussion was to identify good practices in guaranteeing the safety of journalists and ways to ensure their implementation. She hoped that the discussions could lead to specific recommendations on what States, international and regional organizations, but also journalists and media organizations themselves, could do to mitigate the risks for journalists.

13. Frank Smyth, journalist and senior adviser for journalist security at the Committee to Protect Journalists, agreed with the High Commissioner that unequivocal political commitment from States and combating impunity for attacks against journalists were the key requirements. Firstly, he emphasized the importance of using clear language when discussing the safety of journalists. The greatest threat to press freedom, the freedom of expression and the safety of journalists around the world was the problem of unsolved journalist murders. He pointed out that more than two out of three journalists killed since 1992 had not stepped on a landmine or been caught in crossfire or victim of an air strike or a car bomb explosion, but murdered outright in direct reprisal for their reporting. Mr. Smyth recalled that such acts were crimes by any measure, in any context, and in every nation around the world. Nonetheless, impunity reigned in nearly nine out of ten cases. The consistent and alarmingly high rate of impunity for murdering journalists around the globe was cause for great concern, for the impact of killing one journalist with impunity was to effectively silence countless more. Secondly, Mr. Smyth deplored the lack of political will shown by many States in addressing the issue. He referred to the 2014 UNESCO report

World Trends in Freedom of Expression and Media Development, in which it is found that nearly 50 per cent of States failed to even respond to requests by the UNESCO Director-General for voluntary information on the status of judicial inquiries into journalist killings, and called upon States to be more transparent, to share information and to take concrete steps to address impunity. These could consist in appointing special prosecutors and improving the overall functioning of the judicial system.

14. The Deputy Director-General of UNESCO, Getachew Engida, confirmed that impunity was unfortunately "the name of the game", and that statistics clearly showed that many States had not taken the necessary steps to investigate the killings of journalists. He called the situation unacceptable, since the killing of a journalist amounted to taking oxygen out of the democratic system. He, like Mr. Smyth, regretted the fact that many States did not cooperate with UNESCO in the collection of information regarding judicial inquiries into the killings of journalists, but assured that the organization continued to work with States to persuade them to be more transparent. Although UNESCO, together with OHCHR and other United Nations agencies, had spearheaded the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, it was clear that, without real political commitment from States, the Plan of Action risked remaining on paper only and not translating into tangible results. While noting that there was an international legal framework for the protection of journalists in place, adjustments in the legal system at the national level were needed in many countries. Mr. Engida referred to the silencing of journalists through anti-terrorism or national security laws. He also stressed the need to build capacity of law enforcement officials and the judiciary with respect to the protection of journalists, as well as of journalists to better protect themselves. Looking towards the future, Mr. Engida highlighted that UNESCO was advocating for the post-2015 development agenda to include freedom of expression, the rule of law and good governance as stand-alone goals.

15. The OSCE Representative on Freedom of the Media, Dunja Mijatović, described attacks on journalists and the media, and on freedom of expression in general, as unacceptable. She identified lack of political will as an important issue, and stated that States should be asked why they do not comply with the norms to which they have voluntarily agreed. The international community needed to find a way to engage with such States, to discover how to open doors where they remain closed. Ms. Mijatović also highlighted the importance of continuing to repeat the names of journalists who had been killed, and to avoid referring to them as numbers only. In this context, she remembered Anna Politkovskaya, Elmar Huseynov, Hrant Dink, Milan Pantić, Dada Vujasinović, Slavko Ćuruvija and Duško Jovanović. Ms. Mijatović suggested that other important questions were why journalism was so fiercely attacked, why the truth was being stopped, and why the work of journalists was often regarded as inconvenient. She called upon the international community to condemn with a stronger voice those countries that did not live up to standards, to be bold and courageous and not to be afraid of naming and shaming, because too much diplomacy in the case of murder was unhelpful.

16. According to Abeer Saady, a journalist and Vice-President of the Syndicate of Journalists of Egypt, although defining journalism had become difficult, it was about informing people and allowing them to make enlightened decisions. Ms. Saady referred to statistics gathered by the Committee to Protect Journalists, which suggested that 49 out of the 70 journalists killed in 2013 (and for which the motive was confirmed) were from her region. She advocated for a long-term perspective, and emphasized that an investment in the safety of journalists in the region should not be regarded as an investment in those individuals or even in the profession, but rather as an investment in democratic transformation. She stated that 90 per cent of journalists killed in the region were either shot in the head or tortured before death, and that using a badge to distinguish oneself as a journalist was no longer considered a means of providing protection but rather of increasing

one's vulnerability. Such elements indicated that the much-needed enabling environment in which journalists could play their role freely and without interference was absent in the region. Ms. Saady also highlighted the challenges faced by local journalists, who faced additional and different risks, not the least because their families lived in the country where they worked. Local journalists therefore needed more protection, including by the international media houses that use their services.

17. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stressed that, while all individuals have the same rights and deserve the same protection for the exercise of those rights, some individuals – such as journalists – face specific risks and dangers because of the role they play in society, and should therefore receive special protection. It was the responsibility of the State to ensure this protection, regardless of whether the perpetrator of violence was a State or non-State actor. The Special Rapporteur listed four elements crucial for the safety of journalists. First, there should be political will, which should be expressed by those in a position of leadership. Second, there should be emergency mechanisms able to respond to urgent appeals and to address threats. Third, legal measures should be taken, such as the decriminalization of defamation and the elimination of all forms of censorship. The Special Rapporteur cited as an example the issue of national security or anti-terrorism laws being used to silence journalists investigating corruption or other sensitive matters. Fourth, impunity should be eradicated, including for example through the appointment of a special prosecutor. The Special Rapporteur also emphasized the importance of States taking proactive and preventive measures, such as training of security agencies on managing demonstrations or operating in the context of political or electoral activities, with full respect for the role of journalists while ensuring their safety. Lastly, he suggested that a United Nations declaration on the protection of journalists and the role of journalists, similar to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders), could contribute to universal acceptance of the role and importance of free and critical journalism.

18. Responding to questions from the moderator, Mr. Smyth concurred with Ms. Saady that the overwhelming majority of journalists killed were local journalists, and stated that journalists were killed at a rate of one every 13 days. Mr. Smyth also mentioned that local investigative journalists tended to be on the frontline, indicating that, while in the 1980s they were mainly targeted for their work on human rights abuses, in the 1990s and 2000s it was more for uncovering criminal activities and collusion with corrupt officials. He also emphasized the importance of taking preventive measures, including training of law enforcement agencies and security forces on interacting with journalists.

19. Ms. Saady highlighted the challenges faced by women journalists, referring not only to rape and other forms of sexual violence and harassment, but also to defamation or disgracing, which can be very important in some local or cultural contexts. Ms. Saady deplored the large extent of hate speech and violence used against journalists, as well as the targeting of journalists in the Arab region, of which women journalists often became the first casualties.

20. Mr. Engida stated that it was too early to say whether tangible results had been achieved through the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and that much more needed to be done. This said, the UNESCO Deputy Director-General pointed at some encouraging progress, including in the voices of journalists being heard among law enforcement officials, the acceptance of the need for training, and the amendments made to some unacceptable laws. He listed Nepal, Pakistan and Tunisia as countries where some progress had been made.

21. Ms. Mijatović pointed out that countries often respond to calls to address the issue by requesting more time, arguing that they are different, or that the issue of free speech is very sensitive in their societies. She believed, however, that progress was too slow. The OSCE Representative argued that free media, free speech and the safety of journalists would not come overnight nor naturally, and that once achieved they could not be taken for granted. There was a need to constantly justify, reaffirm and strengthen human rights. She expressed concern, however, that without political will, not much progress could be expected. She planned to continue engaging with Governments, but also believed that, without change in social attitudes to freedoms in general, not much progress was to be expected in free speech, freedom of the media and the safety of journalists.

22. When asked about lessons learned from the Latin American region, the Special Rapporteur replied that the region had not been an exception to high levels of violence against journalists, but that some countries in Latin America had engaged in creative responses. He praised the human rights defenders protection mechanism in Colombia, which had been expanded to include journalists. The mechanism was a tripartite commission in which the Ministry of the Interior (security agencies), journalists and human rights organizations came together to define the dangers and risks faced by journalists and to formulate responses. While every State was free to design its own responses, the Special Rapporteur believed that every State should have a similar emergency response mechanism to protect journalists. He also referred to measures taken in Mexico, such as the appointment of a special prosecutor and the fact that crimes against journalists are now considered federal crimes. These were all ways in which States could fight impunity for crimes against journalists. The Special Rapporteur, however, cautioned again that, without political will, not much could be achieved. States had to be convinced that the freedom of the press was crucial for national security and democracy.

IV. Summary of the discussion

23. During the interactive discussion, delegations from Algeria, Austria, Brazil, China, Colombia, the Czech Republic, Ecuador, Egypt (on behalf of the Arab Group), Estonia, the European Union, France, Greece, India, the International Organisation of la Francophonie, Ireland, Italy, Lithuania, Mexico, Montenegro, Morocco, Pakistan, Poland, Portugal, the Russian Federation(also on behalf of the Collective Security Treaty Organization), Slovenia, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America took the floor. Statements by Australia, Belgium, Cuba, Iran (Islamic Republic of), Iraq, Norway, Qatar, Serbia and South Africa were not delivered owing to lack of time. Copies of their statements were however distributed in the room and posted on the Human Rights Council extranet.

24. Delegates of the following non-governmental organizations also took the floor: Article 19 – International Centre Against Censorship, the Asian Forum for Human Rights and Development (in collaboration with the Southeast Asian Alliance), the East Horn of Africa Human Rights Defenders Project, the International Federation of Journalists, the International Humanist and Ethical Union and the Press Emblem Campaign.

A. Freedom of expression and the safety of journalists

25. Many speakers stressed the importance of, and linkages between, the freedom of opinion and expression, a free and vibrant media and the safety of journalists. Respect for freedom of expression, free access to information and free, independent and vibrant media were described the cornerstone of any democratic society and considered of crucial

importance for the promotion of human rights, the rule of law and democracy. Journalists were referred to as "the eyes and voices of civil society" who keep Governments in check. Journalists helped to ensure transparency and accountability in the management of public affairs and matters of public interest. Independent journalism was considered instrumental in strengthening the capacity of individuals to participate actively and meaningfully in political, economic, social and cultural life. Media had a role to play in educating the public and raising awareness of important public issues; it was an indispensable tool that fosters public debate. Journalism played a crucial role in mobilizing public opinion and in bringing to light injustices that could otherwise go unnoticed. Delegates called journalists the "vigilant watchdogs of civil liberties" who could give hope to people struggling under undemocratic regimes.

26. Delegations pointed out, however, that it was precisely because of this important role that journalists often and increasingly became victims of threats, attacks or murder. The safety of journalists was considered a fundamental pillar of the right to freedom of opinion and expression and of free and vibrant media. When fear prompts journalists to self-censor, the free flow of information is impaired, and the public is deprived of reliable, critical and independent information. In the absence of such information, propaganda, incitement and corruption prevail. Several speakers described attacks against journalists as attacks not only against the journalist as an individual, but also against the right of all people to seek, receive and impart information. They were also an attack against the freedom of expression and, ultimately, against democracy itself.

27. There was a broad degree of agreement among delegates that it was necessary to protect journalists, and that such protection was a priority. Speakers recalled that States had both a duty to respect and a duty to protect journalists, who should be able to carry out their work unhindered and without fear. Governments were called upon to promote a safe and enabling environment for journalists, online as well as offline, so that they could perform their work independently, without undue interference and without fear of censorship, persecution or prosecution. This required political will, as well as legal and judicial measures, but also the fostering of a culture of respect for the critical role of the media in any democracy.

28. Delegations also pointed out that threats and attacks against journalists and media workers were made not only in the context of armed conflict. Threats and attacks also came from State actors, including security forces, as well as non-State actors, including terrorist groups and criminal organizations. Speakers noted that, regardless of the circumstances, the protection of journalists should be offered in times of both peace and conflict.

29. Ms. Mijatović called it a top priority for Governments not to interfere with freedom of expression and freedom of the media in contravention with internationally agreed human rights standards, to protect against exposure to violence and to investigate violence, which has a chilling effect and gives the green light to further attacks. She added that it was also important to offer psychological support for journalists, bloggers and online activists working in conflict zones.

30. During the discussion, attention was also drawn to the heightened risk faced by women journalists, including that of being subjected to sexual violence, and the corresponding need for a gender-sensitive approach when formulating and implementing policies. Reference was made to the recently published global survey on violence and harassment against women in the news media, by the International Women's Media Foundation and the International News Safety Institute. Several delegations expressed their support for the safety of women journalists. Mr. Engida also referred States to the 2014 UNESCO report on *World Trends in Freedom of Expression*, which addressed the issue of gender and freedom of expression.

B. Legal framework for the protection of journalists

31. A recurrent issue raised during the discussion was the question of whether the current legal framework was sufficient for ensuring the safety and protection of journalists and media workers. The issue was looked at in terms of both the physical protection against threats and violence and protection against undue interference, including legal or administrative. Most delegations agreed that the international legal framework for the protection of journalists was in place, but highlighted the importance of enhancing the legal framework at the domestic level by bringing it into line with international standards. States, which bear the primary responsibility to protect journalists, were called upon to better implement existing international standards and to learn from good practices in other States.

32. In this context, it was emphasized that the safety of journalists could not be realized without a legal framework, firmly grounded in international human rights law, which afforded robust protection for freedom of opinion and expression. The safety of journalists could not be guaranteed if States did not respect freedom of expression. Many speakers condemned censorship as undermining and threatening democracy; for example, delegations noted that their national constitutions and legislation provided for freedom of expression and freedom of the media, and stressed that any limitation to the freedom of expression – online and offline – must be in strict compliance with the International Covenant on Civil and Political Rights. Several delegations stressed the need to decriminalize defamation and to repeal blasphemy laws. The use of such laws to punish public interest and critical reporting was regarded as legitimizing violence against those speaking out, online and offline.

33. Some delegations stated that, given its critical and public function, journalism must be exercised with a great sense of responsibility, high ethical standards and an awareness of the duty to report fairly, objectively and accurately. Ms. Saady agreed that journalists and media workers had a responsibility, through their ethics and self-regulation, and stated that this was important to maintain the good reputation of journalists. Delegations also stressed that the manipulation of the media by Governments was not acceptable in democratic societies, but also that media professionals themselves should stand against any undue influence. In this regard, one delegation praised the memorandum of representatives of Russian and Ukrainian media organizations on the situation in and around Ukraine, adopted on 19 May 2014 at the office of the OSCE Representative on Freedom of the Media. Several delegations added that an important component contributing to an enabling and stable environment for journalists was media pluralism, in the existence of numerous media providers and the representation of different political, economic, religious and other views in the media.

34. The Special Rapporteur fully concurred that the issue of safety of journalists should not be seen only in terms of assuring their physical safety, but also in the wider context of free media. He stated that mechanisms of censorship and legal harassment need to be removed. Defamation laws were increasingly being used to silence journalists, so it was crucial that defamation be decriminalized. An important role was played by the corporate responsibility of directors and owners of large media houses towards their own workers. Furthermore , concentrations of power and monopolies must be broken, since diversity and plurality of the media were critical. The Special Rapporteur added that privacy and anonymity of journalists were also vital to ensuring press freedom, and proposed that there be an ombudsman or a special rapporteur on press freedom in each country or regional body.

35. Several speakers concurred with the suggestion made by the Special Rapporteur that a United Nations declaration on the role and protection of journalists would be useful. One

delegation also argued that there might be a need for an independent, international mechanism to effectively combat impunity for violence against journalists. Another suggested that there could be a need for a specific international code of action for the protection of foreign journalists from arbitrary actions of authorities in countries where the legal system lacked independence, strength and impartiality. Mr. Engida considered, however, that existing international instruments sufficed to protect journalists. What was missing was action on the ground, political commitment and will. Ms. Mijatović stated that, in the light of the dramatic situation on the ground, it was imperative to act rather than to develop new international conventions. She also referred to the second edition of the OSCE guidebook on safety of journalists, which had just recently been published and included recommendations for Governments.

C. New forms of journalism

36. Several delegates referred to new forms of journalism, in particular those that had emerged with the widespread use of the Internet. Delegations pointed out that the digital age had brought unlimited opportunities for the dissemination of information, but also challenges to media freedom. The emergence of mass communication technologies, social networks and the blogosphere had led to greater vulnerability of the media, including illegal interference in the personal lives and activities of journalists. Such interference was to be condemned and the independence of the traditional and digital media supported.

37. Speakers noted that bloggers, online journalists and citizen journalists played an important role in the promotion of human rights. Threats and attacks against such actors, including through their unlawful or arbitrary detention, were condemned. Delegates stated that the protection of journalists should cover all news providers, both professional and non-professional. One delegation, however, cautioned against the arbitrary expansion of the concept of journalists.

38. Ms. Mijatović argued that there was no need to engage in discussions to redefine the term "journalism" or to determine who was a journalist. Everyone had a right to express themselves freely (a right that comes with limits and responsibilities), and rights were the same online as offline. This being said, she stated that, in many countries, a witch hunt was being conducted against people who engaged online to share information and contribute to the public debate.

D. Political will, accountability and combating impunity

39. Many delegations pointed out that the issue of impunity had time and again been recognized as the biggest obstacle for effectively ensuring the safety of journalists. States were called upon to ensure accountability for threats and attacks against journalists by investigating any allegation, bringing perpetrators to justice in accordance with international human rights standards and providing adequate remedies to the victims. A zero tolerance approach was defended, and some underlined the fact that punishment could make an essential contribution to prevention by deterring potential attackers.

40. Many delegations also concurred with the panellists that, unfortunately, lack of political will to address the issue was a real challenge. Moreover, attacks on journalists were often committed at the State's behest or with its tacit consent. Delegations supported the view of the High Commissioner and the panellists that unequivocal political commitment to ensuring that journalists could carry out their work safely was a critical prerequisite to any system of protection. They noted that international experts regularly

pointed out the broad gap between international standards and their implementation. There was therefore a need for Governments to step up their efforts to close this gap and to abide by their international commitment to respect the fundamental right to press freedom in action, not just in words.

41. The Special Rapporteur recalled that, although States were committed at the international level in the context of the United Nations and regional organizations, internal political will, which was critically important, was often lacking. Commitments at the international level had to translate to action at the national level. Mr. Smyth agreed, and stressed the importance of action by States at the ground level, within their countries. What was needed was not another United Nations instrument, but transparency and political will to act. Mr. Smyth repeated that providing information to UNESCO on steps taken to investigate and prosecute violence against journalists would be a positive first step. Referring to the statistics gathered by the Committee to Protect Journalist, he pointed out that political groups, including terrorists, committed between 30 and 40 per cent of all murders of journalist. In 25 per cent of the cases, however, there was suspected involvement of State actors. Putting in place special protection mechanisms and appointing specialized prosecutors were important measures. The first step, however, was ensuring that Member States were transparent and provided information.

42. The Special Rapporteur also made reference to the United Nations Plan of Action on Safety of Journalists and the Issue of Impunity, under which it was envisaged that information on actions and violations should be brought together in a database and published. While fully aware of the problems that this may raise in terms of privacy and security for journalists, the Special Rapporteur suggested that it should be explored further.

E. Regional and national initiatives

43. Several delegations shared information about the different measures that had been taken at the regional and national levels to promote and protect the right to freedom of opinion and expression, the freedom of the media and the safety of journalists. These measures included legislative initiatives, combating impunity and protection initiatives, as well as public information and awareness-raising efforts.

44. At the regional level, the delegation of the European Union referred to the Human Rights Guidelines on Freedom of Expression Online and Offline, adopted on 12 May 2014, in which the European Union reaffirmed the highest priority to the safety of journalists, and that it would take all appropriate steps to ensure their protection, though preventive measures and by urging effective investigations when violations occur. The delegation of the International Organization of la Francophonie stated that the safety of journalists was a key issue for the organization, a commitment expressed in the Bamako Declaration of 2000 and at the organization's Kinshasa summit in 2012. One of its priorities was putting in place a legal framework that permitted the media to play their role freely. Support missions were conducted to the Member States of the organization. Lastly, the delegate of Switzerland announced that, as current President of OSCE, Switzerland intended to focus on civil society, which included journalists and other media workers, and that it was to organize a meeting to discuss developments regarding the rights, responsibilities and efforts of OSCE with regard to freedom of expression and freedom of the media.

45. With regard to legislative initiatives, many States pointed out that freedom of expression and the right to information were protected by their Constitution, and reported recent or upcoming changes in their laws affecting the safety of journalists. The representative of India, for example, reported that the Constitution of India guaranteed not only freedom of speech and expression but also full Internet freedom. The Information

Technology Act had been amended in 2011, while the Right to Information Act had been passed in 2005 to guarantee free access to information. The representative of Morocco reported that a second series of reforms in the area of press and media would be adopted in order to implement the new Constitution, which enshrined the freedom of thought, opinion and expression in all its forms, guaranteed the right to information and provided that press freedom could not be limited by censorship. Proposed measures included the creation of a national press council. The representative of Algeria stated that a legislative framework was currently being developed for the communications and media sector, in collaboration with media professionals and specialists. The representative of Montenegro stated that insults and libel had been decriminalized, and also pointed out that the decriminalization of defamation was crucial for aligning national laws with international standards and for journalists to carry out their work effectively.

46. With regard to specific measures taken to combat impunity for crimes against journalists, the representative of Mexico stated that a special prosecutor's office had been established for crimes against the freedom of expression. The representative of Colombia stated that a subunit had been established in the Office of the Attorney General for the investigation of crimes against journalists. According to the representative of Brazil, the Government intended to implement the recommendations made in the report issued in March 2013 by the National Human Rights Council working group on the human rights of media professionals, including with regard to the establishment, in partnership with the United Nations, of an observatory on violence against media professionals, managed by a tripartite steering committee composed of civil society members, relevant government entities and the United Nations system. The observatory would register cases of violence against media workers, and include a system to monitor the resolution of such cases and a system of protection. The representative of Pakistan stated that high-powered commissions had been set up in the country to investigate allegations of intimidation and harassment. A steering committee of stakeholders had also been established to implement the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity in the country. As part of its planned reforms, Morocco would create a coordination mechanism between the Ministry of Justice and the National Syndicate of the Moroccan Press, which would be in charge of investigating attacks and cases of restrictions of which journalists are victim. The representative of Montenegro stated that some police officials had been dismissed owing to ineffective investigations of violence against journalists and media outlets.

47. Some delegations also referred to specific protection mechanisms that their countries had set up. The representative of Mexico referred to the national protection mechanism for human rights defenders and journalists, capable of taking specific measures related to prevention, protection and urgent protection. The representative of Colombia stated that a national protection unit for journalists had been established. Italy reported that its Ministry of the Interior had established a central bureau for personal security that was tasked with the protection of journalists and their relatives exposed to danger or threat, potential or actual. It was also noted by delegations that, for protection policies and mechanisms to be effective, they must have the trust, capacity, resources and commitment of the authorities, and be responsive to local needs and challenges.

48. Several delegations also listed their advocacy and awareness-raising initiatives. The representative of the United States of America stated that the Government had raised issues relating to the freedom of the media in its dealings with Governments at all levels, advocated for the release of imprisoned journalists and called for justice when media professionals were killed with impunity. In the United States, an annual press freedom campaign was conducted to coincide with World Press Freedom Day to highlight particular cases of imprisoned journalists. Direct assistance and training was provided to journalists in challenging places, and independent media in closed societies around the world were supported. In 2013, Austria, Poland and Switzerland had organized an international

conference on the safety of journalists, with participants representing OSCE, the Council of Europe, UNESCO and civil society. Specific recommendations on the legal framework, security of investigative journalists and best practices were elaborated. The representative of the Czech Republic stated that, given the importance of media pluralism, the Czech Republic provided yearly financial support for a number of projects, conducted by non-governmental organizations, with the aim of improving journalism standards and the quality of the overall media landscape. According to the representative of France, the State was working with partners to ensure that non-governmental organizations and institutions could reflect together and design practical solutions for improving the safety of journalists. The representative of Poland referred to the Eastern Partnership Journalistic Prize, which had been awarded since 2011 with the support of Foundation of Reporters Poland to send a clear signal that the work of journalists was appreciated and heeded. Ecuador supported an award for responsible journalism, while the International Organization of la Francophonie had created, in partnership with Radio France International and Reporters Without Borders, the francophone prize for press freedom.

F. Importance of partnerships and civil society

49. Delegations considered that collaboration among organizations and authorities at the international, regional and national levels to promote the safety of journalists was of the utmost importance to bring visibility to the issue and to share good practices and lessons learned. No organization could tackle the issue alone. In this context, several delegations also stressed the important role played by civil society. Civil society organizations had exposed,and effectively drawn attention to killings, detention and attacks on journalists and media workers. States should have open lines of communication with civil society and work together, for example in awareness-raising campaigns, the development of protection mechanisms and devising training for law enforcement officials.

50. Mr. Engida concurred, then pointed out that UNESCO was a small organization with a broad mandate, and that partnerships were essential to translate its mandate into practice. Global and regional partnerships were needed between United Nations agencies, Governments and civil society. Ms. Mijatović advocated for more engagement from Governments with civil society, and in particular with organizations that work with journalists. Ms. Saady agreed that civil society, including journalists unions and syndicates, had an important role to play, but pointed out that, in some countries, civil society was constrained in its space to work on these issues.

V. Conclusions

51. **Participants in the panel discussion agreed that journalists and media workers play a critical role in any democratic society. Journalists were described as the "eyes and voices of civil society" and the "vigilant watchdogs of civil liberties" who help to keep the public informed and the authorities and institutions that purport to work in the public interest in check.**

52. **Because of their role, journalists and media workers are often and increasingly victims of threats and attacks, including murder. The safety of journalists and media workers is a fundamental component of the right to freedom of expression, to seek and impart information, and of the freedom of the media. The protection of journalists and media workers is a priority.**

53. The digital age has brought unlimited opportunities for the dissemination of information. New forms of journalism and media are emerging. Every individual has the right to freedom of expression within the bounds described in the International Covenant on Civil and Political Rights, and is entitled to protection in the exercise of that right. Rights are the same online as offline. States are encouraged to approach the issue of safety of journalists from a human rights perspective.

54. An unequivocal political commitment to ensuring that journalists can carry out their work safely is a critical prerequisite of any system of protection. States, which bear the primary responsibility to protect journalists, must close the broad gap between international standards and their commitments in international forums, and the actual implementation of those standards domestically.

55. The safety of journalists cannot be realized without a domestic legal framework, firmly grounded on international human rights law, which offers robust protection for freedom of opinion and expression and freedom of the media. Mechanisms of censorship and legal harassment must be removed. Defamation should be decriminalized. National security and anti-terrorism laws should not be used to silence journalists. Concentrations of power and monopolies should be broken, to allow the diversity and plurality of the media.

56. Every State needs a protection mechanism for journalists. Such an early warning and rapid response mechanism should be able to give journalists and other media workers immediate access to the appropriate authorities and to protective measures when they are threatened. Such a mechanism should be established in consultation with journalists and other media actors and organizations, and should comprise representatives from State bodies concerned with law enforcement and human rights, together with representatives of civil society, including journalism and media organizations.

57. Impunity for threats and attacks against journalists and media workers is, together with insufficient political will, the greatest obstacle to ensuring effectively the safety of journalists. Every act of violence committed against a journalist that goes unpunished is an open invitation for further violence. States were called upon to ensure accountability for threats and attacks against journalists and media workers by investigating all allegations, bringing perpetrators to justice and providing adequate remedies to victims, in accordance with international human rights standards. Good practices include the creation of special investigative units or independent commissions, the appointment of a specialized prosecutor, the adoption of specific protocols and methods of investigation and prosecution, and the training of prosecutors and the judiciary on the safety of journalists.

58. States should take proactive and preventive measures, such as by training law enforcement and military personnel on managing demonstrations or operating in the context of political or electoral activities, with full respect for the role of journalists, whose safety was to be ensured.

59. More generally, States should also work to address the root causes of violence against journalists and to create an enabling environment in which journalists and media workers can play their role freely and without interference. States should promote a culture of respect for freedom of expression and the role of independent and critical journalism.

60. States should maintain open lines of communication with civil society organizations, in particular those working with journalists and media workers, in order to identify the best ways of ensuring the protection of journalists. Partnerships

between international, regional, national authorities and civil society organizations were therefore recommended.